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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,305	06/25/2003	Axel Thiess	RPG-1 (223400-4)	5274
7590 05/13/2005			EXAMINER	
OLSON & HIERL, LTD. 36th Floor 20 North Wacker Drive Chicago, IL 60606			BERNATZ, KEVIN M	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 05/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/603,305

Applicant(s)

THIESS ET AL.

Examiner

Kevin M Bernatz

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,22-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Amendments to the specification and claims 1, 2, 7, 22, 25, 28 and 29 and cancellation of claims 21 and 27, filed on February 22, 2005, have been entered in the above-identified application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Oath/Declaration***

3. The Oath/Declaration is objected to for the reasons of record as set forth in Paragraph No.'s 1 – 2 of the Office Action mailed on August 16, 2004.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1 – 8, 20, 22 – 25 and 29 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiess et al. (EP 1-223-189 A1) in view of Li et al. (U.S. Patent App. No. 2002/0155310 A1) incorporating by reference Petrash et al. (U.S. Patent No. 6,692,840 B1).

Regarding claims 1 – 8, 20, 22 – 25 and 29 – 35, these claims are rejected under Thiess et al. in view of Li et al. for the reasons of record as set forth in Paragraph No. 9 of the Office Action mailed on August 16, 2004. The Examiner notes that amended claim 1 includes the limitations of prior claim 27, which was addressed as follows:

*Regarding claim 27, Li et al. teach using at least one layer of a polymer coating on an inner surface that reduces a surface friction of the inner surface of the radiation protection material with respect to hands (Paragraphs 0014 and 0015).*

To further clarify the rejection, the Examiner notes that Li et al. disclose both inner and outer “coatings” for the gloves, wherein both coatings are designed for reduced stickiness (i.e. improved anti-blocking) and both coatings comprise substantially identical composition (see Paragraphs 0003 – 0008; 0015; 0022 – 0027; 0031; and Examples, as well as Petrash et al., Abstract; col. 1, line 1 bridging col. 2, line 20; and Examples). The Examiner notes that Petrash et al. ('840 B1) is incorporated by reference in Li et al. Paragraph 0031. Hence Li et al. clearly disclose polymeric coatings provided on the inner surface of a rubber glove meeting applicants' claimed functional and material limitations.

5. Claims 9, 20 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Thiess et al. in view of Li et al., incorporating by reference Petrash et al. as applied above, and further in view of Sandbank et al. (WO 93/02457) for the reasons of record as set forth in Paragraph No. 10 of the Office Action mailed on August 16, 2004.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiess et al. in view of Li et al., incorporating by reference Petrash et al. as applied above, and further in view of Lange (U.S. Patent No. 6,548,570 B1) for the reasons of record as set forth in Paragraph No. 11 of the Office Action mailed on August 16, 2004.

7. Claims 12 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiess et al. in view of Li et al., incorporating by reference Petrash et al. as applied above, and further in view of MacLeod et al. (EP 371699 A1) for the reasons of record as set forth in Paragraph No. 12 of the Office Action mailed on August 16, 2004.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thiess et al. in view of Li et al., incorporating by reference Petrash et al. as applied above, and further in view of Koide et al. (U.S. Patent App. No. 2002/0101007 A1) for the reasons of record as set forth in Paragraph No. 13 of the Office Action mailed on August 16, 2004.

9. Claim 1 – 20, 22 – 26 and 29 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandbank et al. (WO '457) in view of Li et al. ('310 A1), incorporating by reference Petrash et al. ('840 B1) and MacLeod et al. (EP '699 A1).

Regarding claims 1 – 20, 22 – 26 and 29 – 35, these claims are rejected under Sandbank et al. in view of Li et al. for the reasons of record as set forth in Paragraph No.'s 14 and 15 of the Office Action mailed on August 16, 2004. The Examiner notes that amended claim 1 includes the limitations of prior claim 27, which was addressed in Paragraph 15 as follows:

*Regarding claim 27, Li et al. teach using at least one layer of a polymer coating on an inner surface that reduces a surface friction of the inner*

*surface of the radiation protection material with respect to hands  
(Paragraphs 0014 and 0015).*

To further clarify the rejection, the Examiner notes that Li et al. disclose both inner and outer "coatings" for the gloves, wherein both coatings are designed for reduced stickiness (i.e. improved anti-blocking) and both coatings comprise substantially identical composition (see *Paragraphs 0003 – 0008; 0015; 0022 – 0027; 0031; and Examples, as well as Petrash et al., Abstract; col. 1, line 1 bridging col. 2, line 20; and Examples*). The Examiner notes that Petrash et al. ('840 B1) is incorporated by reference in Li et al. Paragraph 0031. Hence Li et al. clearly disclose polymeric coatings provided on the inner surface of a rubber glove meeting applicants' claimed functional and material limitations.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sandbank et al. in view of Li et al., incorporating by reference Petrash et al., and MacLeod et al. as applied above, and further in view of Koide et al. ('007 A1) for the reasons of record as set forth in Paragraph No. 16 of the Office Action mailed on August 16, 2004.

***Response to Arguments***

**11. The rejection of claims 1 – 20, 22 – 26 and 28 - 35 under 35 U.S.C § 103(a) – Thiess et al. in view of various references**

**The rejection of claims 1 – 20, 22 – 26 and 28 - 35 under 35 U.S.C § 103(a) – Sandbank et al. in view of various references**

Applicant(s) argue(s) that the Examiner has mischaracterized Li et al. in that Li et al. “is directed to a *mold or former* having a release coating on its surface, *not* to a radiation protective material or even a simple rubber material having such a coating on its surface”, further stating that “Li et al. do not teach or suggest providing a polymeric coating on the rubber material, itself” (*page 11 of response*). The examiner respectfully disagrees.

The Examiner notes that applicants appear to be misunderstanding the field of latex emulsions for forming gloves, etc. via molds/forms. The Examiner agrees that Li et al. teach forming a coating on the mold itself, prior to applying the latex emulsion. However, applicants appear to be unaware that in the process of production the coating is cured directly to the subsequently applied latex emulsion, becoming a coating layer on the finished product (glove, etc). See Li et al. Paragraphs 0031 – 0033 and Examples. E.g. Li et al. states “[s]ome, or all of the release coating on the glove mold or former is transferred to what (sic) has become the outer surface of the glove” (*Paragraph 0031*) and “[i]n addition to being useful as an outside coating on a glove, ...” (*Paragraph 0033*). While applicants’ claims are directed to a coating on an “inner surface” and the functional limitation “reduces a surface friction of the inner surface ...

with respect to hands”, the Examiner notes that (A) this is essentially an intended use limitation since there is nothing preventing the user from utilizing a rubber glove “inside-out” and the disclosed coating would appear to clearly meet the claimed functional limitation; and (B) Li et al. explicitly discloses polymer coatings to be applied to the “inner surface” of gloves for the same function as applicants (*Paragraph 0031*) and discloses that such coatings are substantially identical to the “mold release coatings” in U.S. Patent App. No. 2002/0155310 A1. I.e. both optimal coatings include a high  $T_g$  polymer, with a  $T_g \geq -10^\circ\text{C}$ , a dispersant and microspheres. As such, the Examiner deems that there is a clear teaching in Li et al. to apply at least one layer of a polymer coating on an inner surface of the glove to reduce the surface friction of the inner surface with respect to hands.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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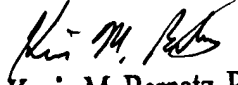
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M Bernatz whose telephone number is (571) 272-1505. The examiner can normally be reached on M-F, 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMB  
May 11, 2005

  
Kevin M. Bernatz, PhD  
Primary Examiner